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REMARKS

ON THE

CONSTITUTION,

BY A

FRIEND OF HUMANITY,

ON THE SUBJECT OF SLAVERY.

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INTRODUCTION.

THE following observations in the form of separate essays were published in the columns of the "Philadelphia Evening Star," the only daily paper in this city which has shown a willingness to admit matter opposed to Slavery to be presented to the public.

Since their appearance many individuals have expressed a desire that the whole might be issued in pamphlet form.

The author has therefore consented to their publication, with the hope that his humble efforts may tend to enlighten his fellow-citizens generally, by a retrospective glance at the primary, fundamental principals, which actuated the founders of our Republic; and to rekindle that true love of Liberty, and just estimation of inherent, inalienable rights, which prompted *them* to believe and assert, that "all men were created equal."

The great body of the people of this country are ignorant of the official acts of the Congress of 1774 and '75, and of such of the incipient movements of our colonial ancestors, as militate directly against the despotic and oppressive doctrines lately proclaimed from one end of the union to the other.

Some care has therefore been bestowed in searching the records of those "times that tried mens souls,"—and in extracting from the "Journals." *verbatim*.

On the present occasion the author would express the conviction that had the press of the North, and of the states generally, afforded an opportunity for the dissemination of the real objects and principles of the Abolitionists, no undue excitement or alarm would have been produced; but all reasonable men would have acknowledged their correctness and feasibility, and that *in fact* such principles alone, could and would secure the happy and perpetual union of these States.

THE CONSTITUTION.

CHAPTER I.

At the present, more than at any other time, it is highly important that every American should carefully study the Constitution of the United States. Positions are taken and assumptions made, at variance with its liberal spirit, and the manifest intentions of the illustrious men who framed it.

In relation to Slavery and the Slave Trade, whether Domestic or Foreign, we think we can show that *both* were intended to cease, after the year 1808.

Our conviction is moreover strengthened by a reference to the Journals of the Continental Congress of 1774, which unanimously entered into resolutions declaratory of the *conscientious* views of *all* the patriots, statesmen, and sages who composed that body. We shall make a transcript of those proceedings at another time.

Sec. 9th of Art. 1st of the Constitution, 1st paragraph, says—"The *migration* or *importation* of such persons as any of the States *now existing*, shall think proper to admit, shall not be prohibited by this Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such *importation*, not exceeding ten dollars for each person."

Here is a remarkable phraseology. The *migration* or *importation*. Why both these terms? Because, the conjunctive 'or' implies an *alternative*,—the *one* or the *other*.—Therefore not synonymous.

Migration relates specially to a removal from State to State, *importation* to an introduction or bringing from a Foreign country. The former refers to the *Domestic*, the latter to the *Foreign* Slave Trade. And that no error might be committed, when speaking of the *tax*, or *duty*, the term *importation* alone is used. Why? Congress, not the States, has the right to *levy taxes*. It would be an infringement of the rights of the States if Congress should tax the *migration* from one State to another, but it *may* tax commodities, &c. *imported* from Foreign States or Kingdoms.

Again, the Constitution certainly contemplated the final termination to Slavery after the expiration of the year 1808, because in the same clause it uses another peculiarity of expression, viz. "*any of the States now existing*." Why *now existing*? Because, we contend, the Constitution designed that *no future State* should be blighted by Slavery or the Slave Trade. Another reason for such phraseology, was a disposition for compromise, to gratify Georgia, and perhaps some other of the States, at that critical time, so that the allowance of what might be considered as a bonus, might induce all the States to unite in one Government.

CHAPTER II.

IN coming to a decision, in relation to the conscientious designs of the Fathers of the Revolution and the Framers of the Constitution, it is a duty we owe to their memories, and the friends of Freedom who have succeeded them to ascertain their real views upon the great subject of Human Rights.

A reference to the Declaration of Independence and the causes which impelled us to a separation from Great Britain, will clearly evince what are, or were considered to be, the inalienable rights of 'all men!'

We shall as a preliminary, now show what were the unanimous opinions of the Continental Congress of 1774, on the subject of Slavery. Our fellow-citizens will doubtless be amazed at the 'fanaticism,' of such men as Peyton Randolph, the President of that august body, with the fifty-two other worthies, from all the States who solemnly signed *such* articles of agreement or association.

From the following printed Journals of Congress, we extract the following:—

"Thursday, October 20th, 1774.

"The Association being copied, was read and signed at the table. And is as follows:—

"We, his Majesty's most loyal subjects, the Delegates of the several Colonies of New Hampshire, Massachussetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties of New Castle, Kent, and Sussex on the Delaware, Maryland, Virginia, North Carolina, and South Carolina, deputed to represent them in a Continental Congress, held in the city of Philadelphia, on the 5th day of September, 1774,—avowing our allegiance to His Majesty; our affection and regard for our fellow-subjects in Great Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehension, at those grievances and distresses with which His Majesty's American subjects are oppressed, and having taken under our most serious deliberation, the state of the whole Continent, find, that the present unhappy situation of our affairs is occasioned by a ruinous system of Colony administration adopted by the British Ministry, about the year 1763, evidently calculated for enslaving these Colonies and with them the British empire." &c.

To prevent the evils arising out of the policy against which they protest, they then drew up "a non-importation, non-consumption, and non-exportation, agreement,"—and premise the same by the following declaration:—

"And therefore, we do for ourselves, and the inhabitants of the several Colonies whom we represent, firmly agree and associate under the sacred ties of Virtue, Honor and love of Country, as follows:'

The second article of agreement being the one which displays, the "incendiary," "fanatical" character, (according to modern republicanism) of the excellent band who having felt oppression, *knew* its bitterness, we give entire, viz:

"We will neither import, nor purchase any Slave imported, after the 1st day of December next—after which time we will wholly discontinue the Slave Trade, and will neither be concerned in it, ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it."

The 3rd and 6th Articles are confirmatory of the above. The latter of which imposes the penalty of dismissal from service, of any captain of a vessel who shall receive on board any thing contraband.

Comment is hardly necessary to prove, that the Congress of '74, unanimously considered Slavery and the Slave Trade, 'grievances'—and we are certainly justified in the position, that our Fathers considered them as curses to the then Colonies. Are they less so to the States?

These are considerations worthy of the deepest reflection of every good citizen, and should make those who are so lavish of abusive epithets towards the advocates of Liberty, at the present time, pause and solemnly examine, the principles they so unjustly repudiate.



CHAPTER III.

WE trust that no excuse need be given, for drawing the attention of our fellow-citizens to such further preliminary matter, as may be found relevant to the views of our Republican forefathers, on the subject of Human Rights. On recurring once more, after a lapse of many years to a perusal of their *acts*, we have felt an indescribable glow pervade our whole frame, and the love of Liberty, the only safeguard to our beloved Country, has received such accessions and confirmations, that we regret every American cannot participate with us in such a "feast of good things."

Standing before the whole world, the champions of Freedom and the inherent inalienable Rights of Humanity, we gaze upon them with awe and veneration, while in the consciousness of rectitude, they proclaim their unalterable determination to risque all held dear on earth, for the sake, not of themselves, nor of their own immediate posterity, but of all mankind.

They had resorted, as they believed, to every peaceable and moral means, to bring Great Britain to a sense of her manifold injustice. They had besought her time after time to consider those ties of consanguinity, which rendered them willing to suffer, "until forbearance ceased to be a

virtue." They had appealed by the most humiliating petitions to the King, and as a last resort to the People of England, for redress—but all in vain.

The following extracts are made from the Journal of Congress, October 21, 1774.

"TO THE PEOPLE OF GREAT BRITAIN."

"When a Nation led to greatness by the hand of Liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging *chains for its friends and children*, and instead of giving support to Freedom, turns advocate for *slavery* and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers."

Compare the above sentiments, with the general condition of our own country now, as respects her wordly greatness, and the almost universal outcry of "treason" &c. against the promulgation of doctrines precisely similar, and say whether the unparalleled persecution of such of her citizens as display moral courage enough to point her to her sins, does not justly subject her to the charge of having almost "ceased to be virtuous," &c.

Having at length determined on the course to be pursued, and anxious to extend the blessings of Liberty to others of the then colonies of Britain, Congress on the 29th of May, 1775, issued an address to the inhabitants of Canada, from which we extract the following:

"Be assured that your unmerited degradation, has engaged the most unfeigned pity of your sister colonies; and we flatter ourselves, you will not by tamely bearing the yoke suffer *that pity* to be supplanted by contempt.

"We, for our parts are determined to live *free* or not at all; and are resolved that posterity *shall never reproach us with having brought Slaves into the world.*"

This may by some be considered as having reference only to the infliction of slavery upon the legitimate offspring of the Colonies, but in fact it applies to the perpetuation of *slaves*, whether by the Trade or by procreation, in any way.

Our opponents by consulting the laws of the slave-holding States, will find that the children of their vassals, take their condition from that of their mothers; or in other words, if the mother is a slave, all her offspring, no matter by whom begotten, are deemed and held by law, as slaves.

The American people having exhausted the measure of their forbearance, on the 6th of July, 1775, issued the Declaration of Congress which commences thus—

"If it was possible for men who exercise their reason, to believe that the Divine Author of our existence *intended a part of the human race to hold abso-*

lute property in, and an unbounded power over others, marked out by His infinite goodness and wisdom, as the objects of a legal domination, never resistable however severe and oppressive, the inhabitants of these colonies might at least require from the Parliament of Great Britain, some evidence that this dreadful authority over them, has been granted to that body, &c.

"We cannot endure the infamy and guilt of resigning succeeding generations, to that wretchedness which inevitably awaits them, if we basely entail hereditary Bondage upon them."

Let our fellow-citizens now look impartially at the conduct of many of the members of our National Legislature; the messages of some of the Governors of our boastedly Free States, and even the Annual Message of our President, and ask themselves whether they are not justly chargeable with the mother country of the gross inconsistencies and outrages against which our Fathers so solemnly protested.

CHAPTER IV.

WE have thrown before our fellow-citizens large extracts from the Journal of Congress of 1774 and '75, for the purpose of showing them what were the sentiments of the collected intelligence, wisdom and patriotism of that body, at a time when the American colonies were suffering from despotic rule. If, through our instrumentality, the spirit of Liberty, now too lethargic, shall be once more aroused, we shall have accomplished all we had designed. But we take the present early opportunity of differing from them altogether, as to the mode to be pursued, even in the last resort, by the oppressed and their advocates, to regain those acknowledged rights, which none but tyrants question.

We are not disposed to argue, how much or how little has accrued to the march of the principles of Liberty, either to us or to mankind by the Revolution—but thus much we believe, that no other than a Moral Revolution, divested entirely of the brutality of warlike agents, can effect the overthrow of slavery in our country, and secure to us the blessings of the Union.

For the alone purpose of inducing that calm, deliberative and brotherly consideration, upon the subject, which the present crisis demands, we have refrained from copying such parts of the documents appealed to, as tended to excite to deeds of chivalry. Preservation, not destruction of life or property, is the aim of the true Christian or Republican. We shall in the same spirit, proceed to a further view of the fundamental doctrines of our Statesmen and Sages.

Thomas Jefferson, the great champion of our liberties, became a member of Congress in 1775, and was added to the committee to prepare the

Declaration, of that year. Every one at all acquainted with his style, may easily distinguish the agency of his powerful pen in its preparation. There is a fervency and force in this document little less than in the Declaration of Independence of 1776. That inimitable production when first prepared, contained clauses, "stricken out by the plea of expediency, (the tyrant's plea,) which if they had been retained, would have forever freed us from the "guilt and infamy" of slavery. Among the charges preferred against the King of England, we find the following, which for "recklessness" cannot be surpassed by the productions of even Abolitionists of the present day.

"He has urged cruel war against human nature itself, violating its most sacred rights of life and liberty, in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL Powers, is the warfare of the CHRISTIAN King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every Legislative attempt to prohibit or restrain this execrable commerce."

We need not be surprised at such sentiments when we remember that the first act this transcendently illustrious man made as a Legislator, in May, 1769, in the Virginia Legislature, was to present a bill, "for the permission of the emancipation of slaves." His biographer calls this "an effort of philanthropy, to which the steady liberalisation of sixty years has not brought up the tone of public sentiment." He also terms it considering the body as being composed of inexorable planters, and he but a youth, as "as an act of self-immolation, worthy the best model of Sparta or Rome."

As every thing connected with our glorious Declaration, must necessarily be fraught with deep and abiding interest, we shall offer no apology for inserting the subjoined authentic account of the history of the proceedings of Congress in its deliberations upon the original paper.

"Congress proceeded the same day, July 2nd to consider the Declaration of Independence, which had been reported the 28th of June and ordered to lie on the table. The debates were again renewed with great violence, greater than before. Tremendous was the ordeal through which the title-deed of our liberties, perfect as it had issued from the hands of its great artificer, was destined to pass. Inch by inch was its progress through the House disputed. Every dictum of peculiar force, (and it was crowded with such) and almost every sentence, were made a subject of acrimonious animadversion, by the anti-revolutionists. On the other hand, the champions of Independence contended with the constancy of martyrs, for every tenet and every word of the precious gospel of their faith.

"Among the latter class, the author of the Declaration himself, has

assigned to John Adams the preeminent station of *primus inter pares*. Thirty-seven years afterwards, he declared that Mr. Adams was the pillar of its support on the floor of Congress, its ablest advocate and defender against the multifarious assaults it encountered. At another time he said, John Adams was our Colossus on the floor. Not graceful, not elegant, not always fluent in his public addresses, he yet came out with a power both of thought and expression, which moved us from our seats! The grandeur and the terror of that scene transcend the boundaries of conception. On the result of their deliberations, hung the fate of America, and the political salvation of the world. Their councils, their speeches, their emotives, their countenances, have been celebrated, in ceaseless multiplication, in prose and in verse, from that day to the present; but representations have fallen, and must forever fall, infinitely short of the realities."

Through the long, doubtful, and incessant conflict sat Mr. Jefferson, a silent though not an unimpassioned witness, of the furnace of disquisition, which was trying the product of his mind. To a man of ordinary sensibilities, the spectacle must have been painful; to him it was peculiarly so.

"The debates were continued with unremitting heat through the 2nd, 3rd, and 4th days of July, till the evening of the last—the most important day, politically speaking, that the world ever saw—they were brought to a close."*

It is stated that some of the specifications upon which the author placed the highest value, and was enthusiastically partial, were surrendered in the spirit of compromise. This is proved by the following extract from a memorandum he made of the transaction.

"The pusillanimous idea, that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censure on the people of England were struck out, lest they should give them offence. The clause too, reprobating the enslaving of the inhabitants of Africa, was struck out, in complaisance to South Carolina, and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still continued it. Our northern brethren also, I believe, felt a little tender under those censures; for though the people had very few slaves themselves, yet they had been pretty considerable carriers of them to others."

Our limits, as well as our time preclude any further enlargement on the present occasion.

*See Rayner's Life, &c. of Jefferson, 1832.

CHAPTER V.

In the year 1778, Congress entered into the consideration of, and passed, the "Articles of Confederation."

"The style of the Confederacy they declared should be that of, 'The United States of America.'"

This was the first act which absolutely constituted the thirteen States a union. We are therefore, from the struggles which had preceded, and the love of freedom which had been manifested throughout the land, as well as the sentiments which had been promulgated by the leaders in Congress,—the several legislative Assemblies and Conventions in each of the States,—and the host of writers, whose patriotic effusions had been industriously circulated among the people, to anticipate in those "*articles*," professedly designed for "perpetual union," a *text book*, of pure Republicanism.

Hence we find the 4th Article, to read thus:—"The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the *free inhabitants of each of these States*, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States." &c. &c.

The general term of "*inhabitants*," is the one used in perhaps all the petitions, remonstrances, &c. heretofore made to the "mother country," without distinction of rank, color or caste. All the "*inhabitants*" are by this article declared to be "*free*," and to be entitled to "all the immunities of *free citizens* in the several States."

The exception of "paupers, vagabonds and fugitives from justice," cannot apply to *slaves*, unless by forced construction. And forced construction is inadmissible in law and equity, among all civilized governments. Nothing is said in any one of the articles of confederation, in relation to slaves. We are therefore justified in the position, that the people of this country having by a powerful and united struggle broken the chains of Tyranny and Oppression, designed to carry out the glorious principles of the Declaration of Independence, by making "*all men*," or in other words, all the inhabitants *free*.

Time and experience had proved that *this* bond of union was insufficient for the permanent establishment of such a government as was requisite to sustain the independence desired. A convention of the States was assembled in 1787, to prepare a Constitution, which having been discussed and considered, was ratified by all the States, and now constitutes the supreme law of the land.

We hope on future occasions, after the completion of our remarks on the Constitution, to be afforded opportunities to recal the attention of our fellow-citizens, to the discussions which took place at that time, on the

subject of its adoption—and to the fundamental doctrines upon which it was based.

The preamble to the Constitution reads thus:—

“We, the *People* of the United States, in order to form *a more perfect union*, establish *justice*, ensure *domestic tranquillity*, provide for the public defence, promote the *general welfare*, and secure the *blessings of LIBERTY to ourselves and our posterity*, do ordain and establish this Constitution of the United States of America.”

Unhappily for the credit of the country and the advancement of that universal freedom for which it had fought and bled, the Convention sat with closed doors. Full opportunity was therefore not given for canvassing the different subjects brought forward. The great body of the people, knew but little of the instrument until it had been adopted by their representatives in the Convention. The States eventually ratified it, not without considerable indication of reluctance from several quarters.

Jefferson, then in France, felt deeply interested in what was passing. Nothing relating to our movements at home escaped his notice. In a letter to John Adams on the subject of the “closed doors,” and *injunction of secrecy* on their proceedings, he says:—“I am sorry they began their deliberations by so *abominable* a precedent, as that of tying up the tongues of their members. Nothing can justify this example, but the innocence of their intentions, and ignorance of the *value of public discussions*.”

Having given the declared objects of the people of this country as contained in the preamble, we resume the consideration of 9th sec. 1st art. of the Constitution. We have asserted in chapter I—that, granting the existence of a *compromise*, between the States, slavery ceased by the Constitution after the expiration of the year 1808. We appealed to the language of the 1st clause of that section, for proof.

We shall now adduce such other evidence as we believe conclusive in establishing our views.

The fourth clause of the same section says: “No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.”

The census being referred to, relates to the choice of Representatives, and is determined according to the arrangement of the third clause—second section—“by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths* of all other persons.”

Here we find the dilemma into which a want of pure moral honesty, very soon involved us. There is an ambiguity in the construction of this clause. That “other persons,” alluded to *Slaves* is very probable, but the term *Slave* appears in no part of the Constitution, because the odium of the world, would have been the reward. The laws of the Slave States too deem and hold Slaves as “chattels,” and can “chattels”

be persons also? Are our horses, cows, &c. persons? With precisely the same right, we of the North, might by law constitute our cattle persons, that our brethren of the South, make persons and *chattels* of the same individuals. How then should we stand as respects *our* representation in Congress? Not as we now do. The preponderance in favor of the Free States would long ago have given the death-blow to Slavery.

But granting all that the enemies of Freedom assert, we think by Art. 5th—Slavery and the Slave Trade, ought, by the Constitution, to have ceased from the year 1808. That article, after providing the mode of making amendments to the Constitution, concludes by the following remarkable language:

“Provided, that no amendment which may be made, *prior to the year one thousand eight hundred and eight*, shall in any manner affect the *first and fourth* clauses in the 9th section of the 1st article.”

If, in the construction of the 1st and 4th clauses of the 9th section, &c. Slavery and the Slave Trade were alluded to, then the United States in Congress assembled ought not only to have declared the *Foreign* but the *Domestic Slave Trade* PIRACY after the year 1808. And each and every State was bound *in honor* to abolish Slavery, from the same time.

THE END.